

DOCKET

07-AFC-6

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State Of California

The Resources Agency of California

Memorandum

Date: June 5, 2009
Telephone: (916) 654-4894

To: Vice Chairman James D. Boyd, Presiding Member
Chairman Karen Douglas, Associate Member
Paul Kramer, Hearing Officer

From: California Energy Commission – Mike Monasmith
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Sacramento, CA 95814-5512

Subject: **CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) STATUS REPORT #7**

Pursuant to the Revised Committee Scheduling Order dated December 26, 2008, staff issues its final Status Report (#7) for the proposed Carlsbad Energy Center Project (CECP) Application for Certification (AFC).

Discovery subsequent to Status Report #6, filed on April 24, 2009

The discovery and analysis phase for the proposed CECP is nearly complete. Initially culminating with the publication of the Preliminary Staff Assessment (PSA) in early December of 2008, subsequent work pursued towards the completion of the Final Staff Assessment (FSA) has been lengthy. As detailed in previous status reports issued after the PSA, work on the Carlsbad proceeding has involved public workshops, hearings, motions, pleadings, extensive filings and numerous reports by all seven official parties to this proceeding. Staff appreciates the patience of the Committee during this protracted period between the publication of the PSA and the publication of the FSA. The following provides the Committee a final summary of staff's technical analyses before publication of the FSA, which will occur within the next month, barring any further delays.

Status of Outstanding Information by Technical Area

AIR QUALITY

The San Diego Air Pollution Control District will release their Final Determination of Compliance (FDOC) within the next 10 business days. Staff's incorporation of the FDOC into the Air Quality section of the FSA – a necessary component of staff analyses – will be expedited and prioritized in order to facilitate the publication of the FSA as soon as possible. Whereas thirty days are typically scheduled between release of the FDOC and publication of the FSA, staff intends to cut this period in half, so long as it does not compromise the integrity of the final Air Quality section.

VISUAL RESOURCES / WORKER SAFETY / FIRE PROTECTION

The Preliminary Staff Assessment discussed the Caltrans I-5 widening project, and the potential for a cumulative effect from that project, depending on the final freeway alignment implementation. Caltrans has proposed an alignment on NRG property that would remove some portion of the area between the freeway and the CECP project. Staff is working with Caltrans to determine what the cumulative impact of the I-5 project might be to visual resources and worker safety and fire protection.

Vice Chair James Boyd, Presiding Member
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ADDITIONAL ISSUES

Hundreds of specific comments on the PSA were received from official parties to the proceeding, public agencies and members of the public. Answering these comments, concerns and questions in the FSA necessitated an unusual amount of time and resources.

As outlined in staff's previous Status Report (#6), filed in late April, 2009, and per Committee instructions, suggestions for the process by which evidence, testimony, witnesses and procedures will be organized for the Evidentiary Hearings should provide all parties the ability to thoroughly review, question and comment on the FSA, its findings and recommendations.

FSA Publication

Staff has and will continue to resolve issues and make appropriate determinations on LORS compliance, and associated mitigation and conditions of certification for inclusion in the FSA. With an FDOC planned for release by the end of June (at the latest), staff anticipates a mid-July, 2009 publication of the FSA.

cc : Docket (07-AFC-6)
Proof of Service List